UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1997/NGO/1
1 October 1997

ORIGINAL : ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Seventeenth session
17 November - 5 December 1997

IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submited by the Committee on the Administration of Justice (United Kingdom) and the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1988/4.

[30 September 1997]

GE.97-18387

Introduction & summary of recent developments in relation to Northern Ireland

There have been very important political developments in Northern Ireland since the UN Committee on Economic, Social and Cultural Rights last discussed the UK report in May 1997. There was a restoration of the IRA ceasefire in July 1997, and political negotiations, inclusive of most political parties, commenced in September 1997. This process of political talks has been heralded as historic by many commentators.

The challenge for all those concerned about the promotion and protection of human rights is to ensure that high-level political negotiations do not ignore the human rights dimension of the problem. As we noted in our previous submission, the preamble of the International Covenant says that the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world". Northern Ireland provides a practical confirmation of this basic truth. Issues of justice and fairness have been at the heart of the conflict in Northern Ireland, and must therefore be at the heart of its resolution.

If the new government can turn the important principles underlying international human rights obligations, such as those in the Covenant on Economic, Social & Cultural Rights, into real change on the ground, they will make a fundamental contribution to building the peace. **We felt that the Committee's question 12 from the List of Issues was particularly important in this regard. The UK government should be asked to comment in some detail about how it intends to reassure both major traditions that their economic, social and cultural rights will be protected, regardless of the political structures eventually agreed.**

We were disappointed to note that, since taking office in May, the government has not yet satisfactorily moved to review and amend policy concerns identified in our original submission. Indeed, a number of actions taken to date are likely to increase, rather than reduce, existing social inequalities. In this short submission, we cannot reiterate all of the concerns submitted in earlier material, so here we are concentrating on new government policies (a fuller document has been submitted to the secretariat). Please note in particular the following developments since May:

- delays in strengthening fair employment legislation (article 6);
- plans to introduce charges for residential care (article 9);
- the criminalising of aspects of Traveller culture (article 11);
- and, charging for higher education (articles 13/14).

Article 1

It would be helpful if the Committee could ask the government to outline its timetable for the implementation of the Social Chapter.

Article 2

The UK government has committed itself to incorporating the European Convention on Human Rights. In addition, however, to appearing to favour the weakest form of incorporation, this move alone will do little to ensure protection of the economic,

social and cultural rights enunciated in the Covenant. **CAJ believes a Bill of Rights for Northern Ireland is vital to protect economic, social, cultural, as well as civil and political rights. Given broad party political consensus, and the enormous benefits to be gained from a wide public debate of rights which would be its natural precursor, the Committee should ask why the government does not move more urgently to introduce a Bill of Rights for Northern Ireland.**

Article 6

The government report acknowledges that the UK continues to have a serious and continuing problem with structural unemployment. Recent improvements have been recorded, but in Northern Ireland, the situation is still very acute, with 11.3% of the male labour force unemployed. Half of the unemployment in Northern Ireland is classified as long term unemployed (and nearly one fifth of the unemployed have been so for more than five years). **The government should be asked how, in particular in Northern Ireland, it intends to address long term unemployment.**

Despite many advances in terms of religious discrimination at work, the differential in unemployment levels is stark. A major 2-year review of the legislation and practices in this area was carried out by the Standing Advisory Commission on Human Rights (SACHR), the statutory body with responsibility for this issue. SACHR's report was completed in June 1997, but was greeted by government with a distinct lack of enthusiasm. **It would be helpful if the Committee asked the government about its intentions regarding the SACHR report and its timetable for implementation.**

In a recent development of special relevance to women, the government has announced changes to the benefit system that could facilitate the early return to work by single parents (mainly young women). **The Committee should ask the government to outline how it will ensure that the "Welfare to Work" programme is a positive and supportive measure and not intended to be punitive.**

Given that government research shows that one in six of the adult population of Northern Ireland has a disability, the government must be asked when it intends to introduce legislation which has effective enforcement powers and fully respects the rights of people with disabilities.

All the key statutory groups working in the field of anti-discrimination, believe that one of the most important contributions government could make to greater equality of opportunity is to give current government equality guidelines (Policy Appraisal and Fair Treatment) legislative force. **It would be helpful if the Committee discussed with government its plans and timetable for giving PAFT a legal basis.**

Article 7

Rising inequalities in society have been a feature of the UK economy in recent years. Given the contribution to political instability that such problems create in Northern Ireland, energetic government commitment to reducing disadvantage is particularly vital. It is important to note that the government already has in place a major policy initiative which could, with the necessary political will, address many of these concerns. Targeting Social Need (TSN) is a government spending policy which says its *"objective is to tackle areas of social and economic difference by targeting government policies and programmes more sharply at those in greatest need - that is, those areas or sections of the community suffering the highest levels of*

disadvantage and deprivation. However, like PAFT (see earlier), this is a progressive government measure which is not being fully exploited. **The Committee should ask the government to explain how it intends to target social need so as to reduce the glaring inequalities in Northern Ireland.**

A further concern relevant to this article is the policy of deregulation. **The Committee may want to question the government how it intends to counter the discriminatory impact deregulation and competitive tendering have had on the more vulnerable members of society, particularly women in low paid jobs.**

Article 8

Unionisation has plummeted in Britain (less so in Northern Ireland). **The Committee should ask the new government how it intends to reverse this trend, and strengthen the constructive role unions can play in ensuring workers rights.**

Article 9

Government reforms have effectively created a two-tier system, with those in most need bearing the brunt of cuts in health service provision. The new government, instead of seeking energetically to reverse this trend, seems to be prepared to exacerbate the situation. They recently published a consultative document which proposes introducing charges for residential care, increase the costs of home help, and make charges in the care of the terminally ill, and the very elderly. These proposals have caused much alarm, particularly amongst those working with the most vulnerable in society. This is a new and disturbing development – and it is disappointing that such a retrograde step is being considered so early in the life of the new government. **Given the fact that this is a new development since the first UK report, the Committee should question the government closely on these proposals which appear to run counter to the obligation to provide good health care for all, irrespective of income.**

Article 10

An important omission from the government's report related to the provision - or lack of provision - of childcare facilities. **The Committee should ask the government what measures they intend to undertake to increase the number of childcare places, especially in Northern Ireland.** Another topic which did not seem to merit any attention from the government under this article of the Covenant is the problem of domestic violence. The Committee has asked (question 58) for details from the government regarding the measures it has, or intends to take to combat the phenomenon. **The government should also be asked what steps have been taken to improve the record of Northern Ireland's police force in dealing with problems of domestic violence.**

The Committee should ask the government whether it intends to extend to Northern Ireland the same rights to compensation that the adult survivors of child sexual abuse can expect in Britain. Furthermore, in relation to the economic exploitation of children, the Committee should be aware that the UK has entered reservations under article 32 of the UN Convention on the Rights of the Child. **The Committee should ask the new government if it intends to maintain the reservations made by its predecessor, or if it intends to comply fully with its obligation to protect children from economic exploitation.**

Article 11

Despite the passage of race relations legislation (which explicitly designates Travellers as an ethnic minority group), the government has since brought forward legislative proposals - Local Government (NI) Order 1997 - which would give local councils new powers to evict Travellers. This measure effectively criminalises the Traveller way of life. **The Committee should question the government closely on this matter of the proposed local government legislation.** Furthermore, there is currently underway an assessment of the accommodation needs of Travellers. **It would be very opportune if the Committee emphasised the urgent need to remedy the appalling living conditions which many Travellers are obliged to endure.**

Article 12

The Committee should also, when exploring the extent of the AIDS/HIV health issue in the State party (and specifically in Northern Ireland), ask the government to explain the different ages of consent which apply both to homosexual and heterosexual sex, and in different jurisdictions within the UK. While AIDS/HIV health concerns obviously go beyond issues of sexual orientation, the fact that one's sexual orientation can be a criminal matter may deter some people from seeking early medical attention and/or safe sex education.

Articles 13 & 14

Selective education contributes to the social inequalities of our society. Instead of taking steps to undermine this, the new government has decided to charge for higher education which may well make the situation worse. It is the poor who are most unwilling to take on debts for the purposes of further education. **The Committee should ask the government what steps it intends to take to ensure that this policy of charging does not deter the most needy in society from bettering their life chances through further education.**

CAJ is unaware of any formal human rights education in schools, and feels that there is insufficient attention given to human rights in general, still less the whole array of rights within the International Bill, in the training of teachers, civil servants, law enforcement officials, magistrates and judges. **We believe that the Committee's questions in this regard are very important.**

Article 15

It is vital that the Committee encourage the government to take appropriate measures to reflect the growing multi-cultural and multi-lingual nature of society in Northern Ireland, as is happening already in other parts of the UK.

We have been obliged to keep this submission very brief. We would urge Committee members to avail of the fuller written submission sent to the secretariat which explains our concerns in more detail.